

Message Text

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INFO OCT-01 IO-13 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 AF-08 ARA-06 EA-07 EUR-12 NEA-10 /106 W
-----271724Z 069985 /44
R 271600Z JAN 77
FM USMISSION GENEVA
TO SECSTATE WASHDC 4791
INFO USMISSION USUN NEW YORK

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E.O. 11652: N/A
TAGS: SREF, UNHCR
SUBJ: TERRITORIAL ASYLUM CONFERENCE, COMMITTEE OF THE WHOLE,
ADOPTION OF ARTICLE 2

SUMMARY: DURING AFTERNOON AND EARLY EVENING OF JANUARY 26 COMMIT-
TEE OF WHOLE ADOPTED UNDESIRABLY AMENDED VERSION OF GROUP OF
EXPERTS' TEXT OF ARTICLE 2.

1. ALL AMENDMENTS, WITH TWO EXCEPTIONS, ARE REPRODUCED IN WORKING
PAPER A/CONF.78/C.1/WP.1 WHICH USDEL SENT BY AIR MAIL TO DEPT.
(SCHWEBEL AND CARLIN) ON JANUARY 20. FOR CONVENIENCE OF DEPT.,
THIS TELEGRAM REFERS TO NUMBERED PARAGRAPHS OF WP.1, BUT USES TERM
"POINT" TO AVOID CONFUSION.

2. FOLLOWING AMENDMENTS ADOPTED:

(A) PARAGRAPH 1 OF ARTICLE: MERGED ARGENTINA (L.20) (POINT 2) AND
INDONESIA, MALAYSIA, PHILIPPINES (L.12) (POINT 4) BY VOTE
38-34(US)- 15; NIGERIA (L.2) (POINT 18) BY VOTE 42-2(US)-5;
JOINT ARAB (L.29/REV.1) (POINT 11) BY VOTE 45-21(US)-15;
JOINT ARAB (L.50) (POINT 13) BY VOTE 50-19(US)-12; AUSTRALIA
(L.10) (POINT 7) BY VOTE 40-(US) 24-15; UK (L.37) (POINT 15)
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BY VOTE 48(US)-4-28. (WEO GROUP HAD AGREED UANIMOUSLY AT MEETING
OF JANUARY 25 TO VOTE AGAINST ALL AMENDMENTS TO PARAGRAPH 1 OF
EXPERTS' TEXT EXCEPT L.10 AND L.37. CHARACTERISTICALLY SOME
WEOS DID NOT FULLY HONOR THEIR UNDERTAKINGS. WEO DID NOT TAKE
GROUP POSITION ON PARAGRAPH 2).

B) PARAGRAPH 2 OF ARTICLE: AUSTRALIA (L.10) (POINT 19) BY VOTE
44(US)-22-16; AUSTRALIA (L.10) (POINT 27) BY VOTE 26(US)-23-

31; YUGOSLAVIA (L.22) (POINT 44) BY VOTE 28-24(US)-28.

(C) PROPOSALS ADOPTED WHICH HAD BEEN INTRODUCED TOO LATE FOR INCLUSION IN WP.1 WERE COLOMBIA, JAPAN, YUGOSLAVIA (L.75) WHICH PROVIDED: "ARTICLE 2, PARA 2(A) BIS: OTHER GRAVE CRIMES AS DEFINED IN MULTILATERAL CONVENTIONS TO WHICH A CONTRACTING STATE FROM WHICH HE IS SEEKING ASYLUM IS A PARTY.", ADOPTED BY VOTE 58 (US)-6-16. ALSO INDONESIA, MALAYSIA, PHILIPPINES (L.12/REV.1) (REVISION OF POINT 43) WHICH PROVIDED:"NEW PARA. THE PROVISIONS OF PARAGRAPH 1 SHALL NOT APPLY WHEN THERE ARE SERIOUS REASONS FOR BELIEVING THAT HE IS A THREAT TO THE COUNTRY IN WHICH HE IS SEEKING ASYLUM", ADOPTED 54(US)-9-19.

3. VOTE ON AMENDED TEXTS: PARAGRAPH 1 ADOPTED BY VOTE 45-15 (US)-22; PARAGRAPH 2 ADOPTED BY VOTE 71(US)-1-9. ARTICLE 2 AS A WHOLE ADOPTED BY VOTE 47-14-(US)-21.

4. SUBJECT TO IMPROVEMENTS BY DRAFTING COMMITTEE, ARTICLE 2 IS AS FOLLOWS: QUOTE

1. EACH CONTRACTING STATE MAY GRANT THE BENEFITS OF THIS CONVENTION TO A PERSON SEEKING ASYLUM, IF HE, BEING FACED WITH A DEFINITE POSSIBILITY OF:

(A) PERSECUTION FOR REASONS OF RACE, COLOR, NATIONAL OR ETHNIC ORIGIN, RELIGION, NATIONALITY, KINSHIP, MEMBERSHIP IN A PARTICULAR SOCIAL GROUP OR POLITICAL OPINION, INCLUDING THE STRUGGLE AGAINST COLONIALISM, APARTHEID, FOREIGN OCCUPATION, ALIEN DOMINATION AND ALL FORMS OF RACISM;
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(B) PROSECUTION OR PUNISHMENT FOR REASONS DIRECTLY RELATED TO THE PERSECUTION AS SET FORTH IN (A); IS UNABLE OR UNWILLING TO RETURN TO THE COUNTRY OF HIS NATIONALITY, OR, IF HE HAS NO NATIONALITY, THE COUNTRY OF HIS FORMER DOMICILE OR HABITUAL RESIDENCE.

2. THE PROVISIONS OF PARAGRAPH 1 OF THIS ARTICLE SHALL NOT APPLY TO ANY PERSON WITH RESPECT TO WHOM THERE ARE SERIOUS REASONS FOR CONSIDERING THAT HE IS STILL LIABLE TO PROSECUTION OR PUNISHMENT FOR:

(A) A CRIME AGAINST PEACE, A WAR CRIME, OR A CRIME AGAINST HUMANITY AS DEFINED IN THE INTERNATIONAL INSTRUMENTS DRAWN UP TO MAKE PROVISION IN RESPECT OF SUCH CRIMES; OR

(B) OTHER GRAVE CRIMES AS DEFINED IN MULTILATERAL CONVENTIONS TO WHICH A CONTRACTING STATE FROM WHICH HE IS SEEKING ASYLUM IS A PARTY: OR

(C) AN OFFENSE WHICH WOULD BE A SERIOUS CRIMINAL OFFENSE IF COMMITTED IN THE TERRITORY FROM WHICH ASYLUM IS REQUESTED;

(D) ACTS CONTRARY TO THE PURPOSES AND PRINCIPLES OF THE UNITED NATIONS.

3. THE PROVISIONS OF PARAGRAPH 1 OF THIS ARTICLE SHALL ALSO NOT APPLY TO ANY PERSON REQUESTING TERRITORIAL ASYLUM FOR PURELY ECONOMIC REASONS.

4. THE PROVISIONS OF PARAGRAPH 1 SHALL NOT APPLY WHEN THERE ARE SERIOUS REASONS FOR BELIEVING THAT HE IS A THREAT TO THE COUNTRY IN WHICH HE IS SEEKING ASYLUM. END OF QUOTE

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5. TO REJECT ARTICLE IN PLENARY WOULD REQUIRE US TO CONVERT 10 OF THE DELEGATES WHO ABSTAINED IN THE VOTE ON THE ARTICLE AS A WHOLE. THIS IS DIFFICULT IN A CONFERENCE WHERE DECISIONS ON VOTING ARE FREQUENTLY MADE WITHIN THE REGIONAL GROUPS RATHER THAN BY THE DELEGATIONS INDIVIDUALLY. BEST CHANCE LIES WITH LATIN AMERICANS, SEVERAL OF WHOM ABSTAINED REPEATEDLY ON OFFENSIVE PROPOSALS.

6. VOTING HAD SOME GOOD ASPECTS. A NUMBER OF UNWORTHY PROPOSALS WERE REJECTED. CUBA (L.32) (POINT 12) REJECTED BY VOTE 25-44(US)-

16. USSR (L.23) (POINT 10) REJECTED BY VOTE 32-36(US)-19 AFTER USDEL SUCCESSFULLY OPPOSED SOVIET EFFORT TO HAVE EACH "ISM" VOTED ON SEPARATELY. USSR (L.23) (POINT 45) REJECTED BY VOTE 13-38(US)-

24. CZECHOSLOVAKIA AND POLAND (L. 33) (POINT 34) AND CUBA (L.32) (POINT 33), VOTED ON TOGETHER, REJECTED 14-50(US)-14.

7. PRIOR TO THE VOTE, SOVIET DELEGATE, AND TO A LESSER EXTENT, OTHER EASTERN EUROPEAN COUNTRIES, SUCCESSFULLY UNDERTOOK TO DELAY THE VOTING FOR ALMOST TWO MEETINGS. DELAY OF CONFERENCE HAS BEEN OBVIOUS SOVIET OBJECTIVE FROM BEGINNING, BUT THIS EFFORT WAS MOST PATENT YET. EFFORT MARKED BY REPEATED SOVIET POINTS OF ORDER AND

REQUESTS FOR EXPLANATION ON MATTERS THAT EVERYONE ELSE IN THE ROOM UNDERSTOOD. APPROVAL OF CHAIRMAN'S PROPOSAL ON SEQUENCE IN WHICH THE AMENDMENTS WOULD BE VOTED ON REQUIRED ONE AND A HALF HOURS.
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WHEN TANZANIAN DELEGATE MADE INDIGNANT STATEMENT AGAINST "THOSE DELEGATES, WHOM I NEED NOT NAME BECAUSE EVERYONE KNOWS WHO THEY ARE, WHO ARE MAKING A POLITICAL FILIBUSTER OUT OF THIS CONFERENCE," THERE WAS SUBSTANTIAL APPLAUSE.CATTO

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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Enclosure: n/a
Executive Order: N/A
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Subject: TERRITORIAL ASYLUM CONFERENCE, COMMITTEE OF THE WHOLE, ADOPTION OF ARTICLE 2 SUMMARY: DURING AFTERNOON AND EARLY EVENING OF JAN
TAGS: SREF, UNHCR
To: STATE
Type: TE
vdkgvkey: odbcr://SAS/SAS.dbo.SAS_Docs/53ca38d0-c288-dd11-92da-001cc4696bcc
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